

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 2 and 4 have been canceled without prejudice or disclaimer, and claims 1, 6, 10, 15, 19, 20, 22, 23, 27, 28 and 30 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3, and 5-30 are pending and under consideration. Reconsideration is respectfully requested.

CLAIM OBJECTIONS:

Claims 19, 22, 23, 27 and 30 were objected to for informalities.

Claims 19, 22, 23, 27 and 30 were amended to correct the typographical errors pointed out by the Examiner. Thus, claims 19, 22, 23, 27 and 30 are now submitted to be in allowable form. Applicants thank the Examiner for pointing out the typographical errors.

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH:

In the Office Action, at page 2, numbered paragraph 3, claims 1-11 and 15-30 were rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

The features of claims 2 and 4 have been added to claims 1, 6 and 15. Claims 2 and 4 have been cancelled without prejudice or disclaimer. Thus, claims 1, 6 and 15 are submitted to be in allowable form under 35 U.S.C. §112, first paragraph. Since claims 3, 5, 7-11, and 16-30 depend from amended claims 1 and 6, respectively, claims 3, 5, 7-11 and 16-30 are submitted to be in allowable form under 35 U.S.C. §112, first paragraph, for at least the reasons that amended claims 1 and 6 are submitted to be in allowable form under 35 U.S.C. §112, first paragraph.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH:

A. In the Office Action, at page 4, numbered paragraph 5, claims 10, 20, 23 and 28 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

Claims 10, 20, 23, and 28 have been amended as suggested by the Examiner and are

now submitted to be in allowable form under 35 U.S.C. §112, second paragraph.

REJECTION UNDER 35 U.S.C. §102:

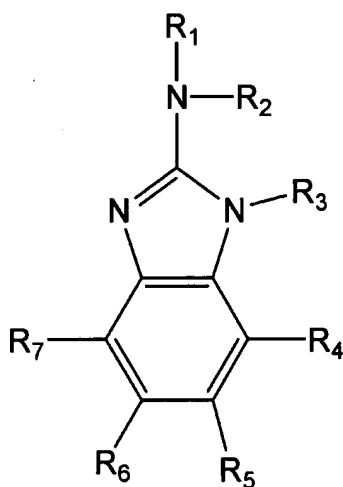
In the Office Action, at pages 4-5, numbered paragraph 7, claims 1, 5-8 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by GB 1398532. This rejection is traversed and reconsideration is requested.

The features of claims 2 and 4 have been added to claims 1, 6 and 15. Claims 2 and 4 have been cancelled without prejudice or disclaimer.

It is respectfully submitted that amended claims 1, 6 and 15 have been amended to include the features of claims 2 and 4, so that the antibacterial agent is recited as one of:

a carbendazim derivative represented by the following Chemical Formula 1:

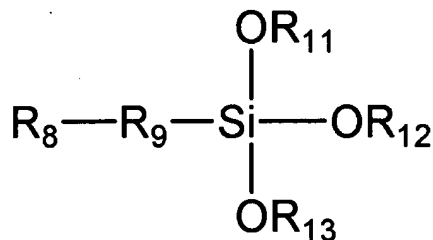
Chemical Formula 1



and the substituents as described above;

a silane derivative represented by the following Chemical Formula 2:

Chemical Formula 2



and the substituents as described above; and

a combination thereof.

Thus, it is clear that amended claims 1, 6 and 15 do not include an azo group, but rather

utilize a carbendazim derivative represented by Chemical Formula 1 (see above) or a silane derivative represented by Chemical Formula 2 (see above) or a combination thereof, and hence utilize an antibacterial moiety that differs from the antimicrobial structure of GB 1398532. Thus, amended claims 1, 6 and 15 are submitted not to be anticipated under 35 U.S.C. §102(b) by GB 1398532.

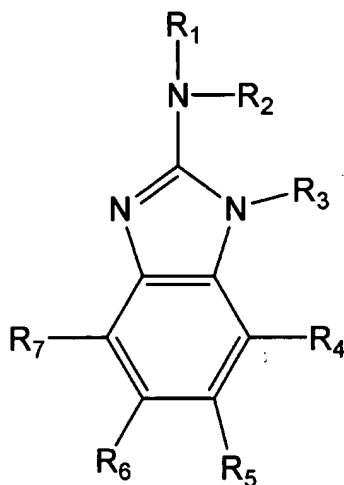
Since claims 5 and 7-8 depend from amended claims 1 and 6, respectively, claims 5 and 7-8 are submitted not to be anticipated under 35 U.S.C. §102(b) by GB 1398532 for at least the reasons that amended claims 1 and 6 are submitted not to be anticipated under 35 U.S.C. §102(b) by GB 1398532.

B. In the Office Action, at pages 5-6, numbered paragraph 8, claims 1, 5-10, 15 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Qinghong et al. ('330)(hereafter, Qinghong). This rejection is traversed and reconsideration is requested.

The features of claims 2 and 4 have been added to claims 1, 6 and 15. Claims 2 and 4 have been cancelled without prejudice or disclaimer.

It is respectfully submitted that amended claims 1, 6 and 15 have been amended to include the features of claims 2 and 4, so that the antibacterial agent is recited as one of:
a carbendazim derivative represented by the following Chemical Formula 1:

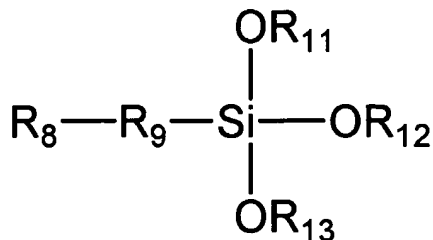
Chemical Formula 1



and the substituents as described above;

a silane derivative represented by the following Chemical Formula 2:

Chemical Formula 2



and the substituents as described above; and
a combination thereof.

Thus, it is clear that amended claims 1, 6 and 15 do not include a quaternary ammonium compound, but rather utilize a carbendazim derivative represented by Chemical Formula 1 (see above) or a silane derivative represented by Chemical Formula 2 (see above), or a combination thereof, and hence utilize an antibacterial moiety that has a different structure than the antimicrobial structure of Qinghong. Thus, amended claims 1, 6 and 15 are submitted not to be anticipated under 35 U.S.C. §102(b) by Qinghong et al. ('330).

Since claims 5, 7-10 and 23 depend from amended claims 1 and 6, respectively, claims 5, 7-10 and 23 are submitted not to be anticipated under 35 U.S.C. §102(b) by Qinghong et al. ('330) for at least the reasons that amended claims 1 and 6 are submitted not to be anticipated under 35 U.S.C. §102(b) by Qinghong et al. ('330).

ALLOWABLE SUBJECT MATTER:

Claims 12-14 were allowed.

Applicants thank the Examiner for her careful consideration of the claims and allowance of claims 12-14.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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